

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

AHMAD HERSH, MUNA OMER,
Individually and as surviving parents and
Next heir of I.E. HERSH, deceased,

Plaintiffs,

V.

Case No.: 4:17-CV-2043 RLW

CKE RESTAURANT HOLDINGS, INC.,
HARDEE'S FOOD SYSTEMS, LLC, and
HARDEE'S RESTAURANTS, LLC,

Defendants.

DEFENDANTS' MOTION TO DISMISS
UNDER THE DOCTRINE OF FORUM NON CONVENIENS

Defendants CKE Restaurant Holdings, Inc., Hardee's Food Systems, LLC, and Hardee's Restaurants, LLC ("Defendants" or "Named Defendants") move to dismiss this case under the doctrine of forum non conveniens. The Hashemite Kingdom of Jordan is the proper forum for this lawsuit because the fatal injury occurred in Amman, Jordan, the Plaintiffs are Jordanian citizens, Jordanian authorities investigated the accident and brought criminal charges in Jordan, and the relevant documents, witnesses, and photographs are all located in Jordan. Jordan is an adequate, alternative forum and both the public and private interest factors support dismissal. The Defendants are willing to accept service, submit to jurisdiction in Jordan, and waive any statute of limitations defenses if the case proceeds in Jordan. *See* Affidavit of Michael Woida in Support of Defendants' Motion to Dismiss Under the Doctrine of Forum Non Conveniens at ¶14. The Defendants have filed the accompanying memorandum of law in further support of their Motion to Dismiss Under the Doctrine of Forum Non Conveniens.

WHEREFORE, Defendants CKE Restaurant Holdings, Inc., Hardee's Food Systems, LLC, and Hardee's Restaurants, LLC, respectfully request that this Court grant the Motion to Dismiss Under the Doctrine of Forum Non Conveniens and issue an Order dismissing this action without prejudice to refiling in a Jordanian forum.

Respectfully submitted,

HEPLERBROOM LLC

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Holdings, Inc., Hardee's Food Systems, LLC
and Hardee's Restaurants, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

/s/ Glenn E. Davis